

This section contains provisions that shall be included in county contracts for services whether procured through formal advertising or negotiation. The requirements shall also apply to subcontracts of any tier under such contracts.

- .1 All contracts shall be written and contain all of the terms and conditions agreed to by the parties and shall constitute the complete agreement between them.

23-604 CONTRACT PROVISIONS (Continued)**23-604**

- .2 When available, counties shall utilize CDSS standard contracts and standardized language. Any deviation from a departmental standard contract must have prior CDSS approval. However, a county shall be permitted to add its own contracting requirements to any state standard contract without prior state approval, as long as the addition does not conflict with the standard contract, standardized language, or the other requirements of these regulations.
- .21 All counties shall be notified in writing when the state requires standard contracts or standardized language. A county seeking deviations from the standards shall make their request in writing, explaining the reasons for the deviations. A county shall seek state approval of such deviations at least 90 days prior to the start of any contracts with the deviation. CDSS shall review the request for deviation in terms of compliance with applicable state and federal laws and regulations, and forward a written response to the county. CDSS will notify the county within fifteen (15) calendar days of receipt, if the required information is complete, or deficient, and within forty-five (45) calendar days upon receipt of complete information of its decision on the deviation.
- .22 The state has no current standards contracts, and records on review times of past standard contracts variations are no longer available.
- .3 Specific components of each contract shall include;
- .31 Provisions stating the parties to the contract, the purpose of contract, the date of execution and applicable laws and regulations.
- .32 Definitions of terms unique to the contract or contracted service.
- .33 Duties and responsibilities of the county, the provider, and any joint duties and responsibilities.
- .34 A provision requiring that the contract be signed by authorized representatives of all contracting parties.

23-604	CONTRACT PROVISIONS (Continued)	23-604
---------------	--	---------------

- .35 A provision setting forth definite effective and termination dates.
- .36 A budget sheet segregated into direct and indirect costs and profit for the contract. Budgeted expenses shall be reduced by applicable contractor revenues which shall be identified. The line items shall provide sufficient detail to determine the quality and quantity of services to be delivered. The budget shall be made a part of the contract.
- .37 Fiscal provisions which shall include:
 - .371 A provision requiring the contractor to maintain books, records, documents and other evidence pertaining to costs and expenses of the contract.
 - .372 Provisions specifying the method, time, and rates of payment for services, including the abatement of disposition of fees and identification and treatment of other income for costs related to the contract.
 - .373 A provision that the contractors' records shall be open for audit and review by county, state and federal agencies, including CDSS. Such records shall be kept in the State of California for the retention period specified in the contract in accordance with state records retention regulations, Section 23-353.
 - .374 A provision specifying use of the firm-fixed price method of reimbursement. However, agreements for any service to be rendered by any federal, state or local government agency, public university, public college or other public educational institution, shall use the actual cost method of reimbursement, but shall include an estimate of the total amount which shall be adjusted by amendment to reflect actual expenditures.
 - .375 When federal funds are involved, a provision requiring provider compliance with all federal rules including the applicable sections of the Code of Federal Regulations.

23-604	CONTRACT PROVISIONS (Continued)	23-604
---------------	--	---------------

- .38 The following general provisions shall be included in the contract, in addition to those set forth above:
- (a) A provision for appropriate remedies, such as fiscal penalties or withholding of payment, in instances where the contractor violates or breaches contract terms.
 - (b) A provision for monitoring the contractor's performance to assure compliance with the terms, conditions and specifications of the contract.
 - (c) A requirement to comply with the confidentiality provisions of Section 10850 of the Welfare and Institutions Code and MPP Division 19 if the contractor will be working with records covered by those sections.
 - (d) A clause prohibiting discrimination by the contractor in either employment practices or delivery of services, in accordance with applicable state and federal regulations.
 - (e) A clause recognizing the mandatory standards and policies relating to energy efficiency in the state energy conservation plan, (Title 24, California Administrative Code).
 - (f) A clause, in contracts in excess of \$100,000, requiring compliance with Section 306 of the Clean Air Act (42 USC 1857 (h)), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR Part 15).
 - (g) A clause, in contracts in excess of \$10,000, requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented in Department of Labor regulations (41 CFR Part 60).
 - (h) A clause for unilateral termination by the county that includes the methods by which termination will be effected, the basis for settlement, and a description of the conditions under which the contract may be terminated because of circumstances beyond the control of the contractor.
 - (i) A provision for amendments or modifications.

23-604	CONTRACT PROVISIONS (Continued)	23-604
---------------	--	---------------

- (j) A provision stating the circumstances, if any, when assignment or subcontracting may be used.
- (k) A provision requiring the contractor to establish a procedure to resolve client grievances.
- (l) Clause(s) providing for bonding, insurance and indemnification, in accordance with the county's established standards.

.4 When amendments appear necessary, the county shall observe the following criteria:

- .41 If a formally advertised contract is amended to increase services within its original term and the amendment will result in a cost increase in excess of ten percent of the contract maximum, the contract shall be rebid, or the price renegotiated to ensure an accurate reflection of fixed and variable costs. However, if renegotiated, the new unit price shall not exceed the unit price as originally determined through competitive selection.
- .42 Any amendment negotiated without competitive bidding shall be negotiated on the basis of amounts reasonable and necessary as documented in writing and maintained in the county records.
- .43 Repealed by CDSS Manual Letter No. OPS-01-02, effective 4/17/01.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 12302.1, Welfare and Institutions Code.

23-610	FORMAL ADVERTISING: INVITATIONS FOR BIDS AND REQUESTS FOR PROPOSALS	23-610
---------------	--	---------------

HANDBOOK BEGINS HERE

This section contains the requirements for procurement of services by formal advertising, as defined in Section 23-601.21, and specifies the information which shall be contained in an IFB, as defined in Section 23-601.22, or an RFP, as defined in Section 23-601.23.

HANDBOOK ENDS HERE